

REMARKS

In the Office Action mailed May 14, 2008, claims 19, 20, 22-24, 27, 29 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over WIPO Publication WO 01/80607 A1 to Merard et al. in view of U.S. Patent No. 6,423,924 to Goloviatinskii et al. It was noted that U.S. Patent Publication 2004/0035838 to Merard et al. was referred to in the Office Action mailed May 14, 2008, as the English equivalent of the WIPO Publication. In addition, claims 21, 25, 26 and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Merard et al. in view of Goloviatinskii et al. as applied to claim 19, and further in view of U.S. Patent No. 6,041,734 to Raoux et al. In addition, claim 28 was rejected under 35 U.S.C. §103(a) as being unpatentable over Merard et al. in view of Goloviatinskii et al. as applied to claim 19, and further in view of Japanese Kokai 2002-255123A to Hasegawa et al. (from Applicant's IDS), with the Examiner noting that she would refer to the Figures and/or English Machine Translation (EMT) of Hasegawa et al. Furthermore, claim 33 was rejected under 35 U.S.C. §103(a) as being unpatentable over Merard et al. in view of Goloviatinskii et al. as applied to claim 19, and further in view of U.S. Patent No. 5,341,068 to Nerone. Lastly, claim 35 was rejected under 35 U.S.C. §103(a) as being unpatentable over Merard et al. in view of Goloviatinskii et al. as applied to claim 19, and further in view of U.S. Patent Publication 2003/0164280 to Delaporte et al. For the reasons that follow, Applicants respectfully traverse these grounds for rejecting the claims of the present Application.

First of all, although the Examiner states that the Applicants' prior argument was not persuasive, the Applicants note that the Examiner has now cited a new reference, Goloviatinskii et al., to support her rejections of the claims currently on file, which leads the Applicants to believe that Merard et al. is not as relevant as has been asserted by the Examiner since the

beginning of the examination procedure, and this therefore renders the new arguments of the Examiner that now include Goloviatinskii et al. suspect, and at least doubtful and surely not persuasive, because they reflect a clear hindsight analysis of the present invention.

For that reason, Applicants want to explicitly state once more, in addition to all the arguments previously made, which are maintained, that the Examiner's objections based on Merard et al. in combination with Goloviatinskii et al. are not sustainable. Actually, and contrary to the arguments of the Examiner, it cannot be obvious to a skilled person to combine these two prior art references for the following reasons.

First, the goal sought by each of these two references is completely different, and even contradictory to each other. Merard et al. seeks to decontaminate the inside of a container. Given the technology and energy of a plasma jet disclosed in Merard et al., and according to the specialists of the field (such as the Applicants), there is no doubt that Merard et al. will deteriorate and/or remove any sealing caused by using Goloviatinskii et al.

Second, Goloviatinskii et al. cannot be applied to decontaminate the internal volume of a container since it exclusively discloses a surface treatment. Moreover, in Goloviatinskii et al., it is taught to coat the surface with a film, which is an inconsistent goal when considering Merard et al.

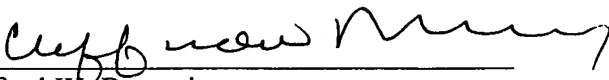
In conclusion, the Examiner's combination of Merard et al. with Goloviatinskii et al. position is a purely theoretical point of view that clearly comes from a hindsight analysis of the present, for it is clearly evident from the fact if one skilled in the art would apply Goloviatinskii et al. to Merard et al. and would try to move towards the outside of the container the electrode as disclosed in Merard's device, it will not be obvious to the skilled artisan how to get to the desired result, nor how to reach the goal expressed in Merard et al. Furthermore, it seems rather difficult

or almost impossible to adapt Goloviatinskii et al's device to the teachings of Merard et al.

In summary, the teachings of Merard et al. and Goloviatinskii et al. clearly exclude one another. Their combination is therefore not sustainable.

In view of the above, the Applicants believe that the claims currently on file fully are patentable over the newly cited combination of Merard et al. and Goloviatinskii et al. and Applicants respectfully request a prompt Notice of Allowance.

Respectfully Submitted,

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